

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RANDY V. MOORE,)	
)	
Plaintiff,)	Civil No. 06-6315-TC
)	
v.)	FINDINGS & RECOMMENDATION
)	
OFFICE DEPOT, INC., a Delaware)	
Corporation,)	
)	
)	
)	
<u>Defendant.</u>)	

COFFIN, Magistrate Judge:

This court issued an order to show cause why defendant Office Depot's unopposed motion (#27) to dismiss should not be allowed after plaintiff failed to respond to such motion. This court issued another order to show cause why defendant Office Depot's unopposed motion (#27) to dismiss should not be allowed after plaintiff failed to adequately respond to the motion and the court's order. Plaintiff was ordered to respond within eleven days and cautioned that a failure to respond would result in the dismissal of this action for failure to prosecute and failure to comply with a court order. Plaintiff has not responded. As such, this action should be dismissed for failure to

prosecute, failure to comply with a court order, and for the reasons stated in the defendants' motion. The five factors for dismissal discussed in Malone v. United States Postal Service, 833 F.2d 128 (9th Cir. 1987) have been weighed and indicate that dismissal is proper.

DATED this 8 day of November, 2007.


THOMAS M. COFFIN
United States Magistrate Judge